

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, FEBRUARY 6, 2012, AT 6:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Kilvinger called the meeting to order at 6:03 p.m.

ROLL CALL:

Present: Kilvinger, Smith, Woolridge, Raasch, Hawkins, Brown

Absent: Celaya

PLEDGE OF ALLEGIANCE

Councilmember Brown led the Pledge of Allegiance.

CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

Richard Saunders, 505 N. Manzanita Drive, Payson, Arizona, said he is representing several clients who own property in Florence Gardens. He said his clients are concerned about the impact fees and that the water and wastewater fees have already been paid for once. He briefly discussed the purchase of the water and wastewater treatment plant from Arizona Sierra Utility Company. He said his clients are opposed to the fees for water and wastewater. He said the study suggests that North Florence should be excluded from water and wastewater, and his clients would like to see this considered.

Art Buckley, Florence Gardens resident, said that the Town of Florence hired Duncan and Associates to revise and eliminate the current fees, now in effect. He spoke in favor of their study. The report said that the north service area will exclude the Florence Gardens area, where property owners are paying for the facilities serving them through assessment fees. He discussed his concerns with the fees, how staff has addressed the fees, and the cost for the study. He said he submitted two building permits in August 2011 and received a written response that each permit would cost \$12,305. He said Duncan and Associates have produced an excellent report. He said the Council, on their active vote, to impose an impact fee on the bare lots in the Florence Gardens area, has cost a lot of owners several thousand dollars. He said the Council member should be the public protection against unreasonable actions of the paid employees of the Town. He said the Town is approaching an election, and he will be doing his best

by distributing the facts of the situation so that the voters of Florence Gardens can see which of the candidates are representing their best interest.

Tom Rankin, 345 W. Highway 287, Florence, Arizona, said the State is mandating that the Town appoint a committee or hire a consultant to do the study of the impact fees after it is implemented next year. He said the Town spends a lot of money doing studies; however, he believes it should be a committee made up of people who are from the community who know the community. His request is for the Council to direct staff to appoint a committee.

PUBLIC HEARING AND PRESENTATIONS

Public Hearing to receive comments from the public regarding use of the 2012 Community Development Block Grant and possible State Special Project Funds; and Discussion/Approval/Disapproval with regard to adopting the amended FY 2012 CDBG\SSP CITIZEN AND PUBLIC PARTICIPATION PLAN.

Bill Norman, Grants Coordinator, stated that the Public Hearing is for the use of 2012 CDBG and SSP Funding. He said Council adopted the Public Participation Plan in November 2011 and it has two steps:

- First Public Hearing that occurred on December 20, 2011
- Second Public Hearing is tonight (2-6-2012)

Mr. Norman said the Town has entered into a contract with Central Arizona Association of Governments (CAAG) for their Grants Administrator, Cindy Schofield, to administer and manage the Town's CDBG grants.

Mayor Kilvinger opened the Public Hearing.

Lina Austin, said she is the Finance Chairperson for the Women's Club. They are trying to raise funds for the maintenance of the building. She said the Club is 105 years old and it would be very fitting to help it during the centennial year. She said it needs approximately \$300,000 worth of work to continue. Some work is more critical than others, such as roofs, floors, and security doors. She requested the Women's Club be funded.

Mayor Kilvinger closed the public hearing.

Cindy Schofield, CAAG, stated that a Public Hearing was held on December 20, 2011, and a number of excellent projects were proposed. She said due to lack of CDBG funds, the criteria has become more stringent. Certain facilities and parks are not eligible, such as the Women's Club and American Legion, for a CDBG or SSP grant. Other proposed projects not eligible for funding included Water Harvesting and a Youth Center.

Ms. Schofield explained the HUD tables, which depict what projects can be funded. She said there were no allowable projects proposed from the Public Hearing which is why there was no resolution to come before the Council. She requested input from the

Council with regards to projects and requested to come before Council in an upcoming meeting with a resolution for a proposed fundable project.

Mr. Schofield requested Council's approval on the amended Public Participation Plan.

Councilmember Brown inquired what it would take to make the Women's Club and the American Legion eligible.

Ms. Schofield stated that the funds are from the Arizona Department of Housing. Florence must follow the State Plan to be funded. There are other grants out there that may be able to assist those facilities; however, CDBG or SSP funds can not be used for those projects.

Mr. Norman said that he is aware that the Women's Club and American Legion need assistance along with the residential structure on the Catholic Church's property and he checks weekly for upcoming funding opportunities. He will advise Council of any funding opportunities as they become available.

On motion of Councilmember Brown, seconded by Councilmember Woolridge and carried to adopt the amended FY 2012 CDGB/SSP Citizen and Public Participation Plan.

Presentation of a Proclamation declaring February 10 – February 17, 2012, as "Paint the Town Purple Week" in the Town of Florence.

Ms. Lisa Garcia, Town Clerk, read the Proclamation for the record.

CONSENT: All items indicated by an (*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.

***Authorization to award the bid for the purchase of new equipment to outfit a fire apparatus to LN Curtis, in an amount not to exceed \$39,044.88.**

***Authorization to award the bid for the purchase of one dump truck to Freightliner of Arizona, in an amount not to exceed \$88,222.64.**

***Authorization to award the bid for the purchase of furniture, fixtures, and equipment for the Police Department Evidence Storage Facility to Concert Architectural Interiors, in the amount of \$76,679.33 and KR Max Contracting LLC, in the amount of \$26,730.00.**

***Approval of the January 3, 2012 and January 17, 2012 Town Council meeting minutes.**

***Receive and file the following Board and Commission meeting minutes:**

September 27, 2011, and November 30, 2011 Historic District Advisory Commission Minutes
October 19, 2011 Library Advisory Board Minutes
October 27, 2011 Parks and Recreation Advisory Board Minutes
June 2, 2011, June 16, 2011, and July 7, 2011 Planning and Zoning Commission Minutes

On motion of Councilmember Raasch, seconded by Councilmember Hawkins and carried to approve the items on the Consent agenda as written.

NEW BUSINESS

Resolution No. 1330-12:

Himanshu Patel, Town Manager read Resolution No. 1330-12 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RELATING TO ECONOMIC DEVELOPMENT; SUPPORTING THE DEVELOPMENT OF A UNION PACIFIC RAILROAD RAIL YARD AND INDUSTRIAL PARK IN PINAL COUNTY.

Mr. Timothy Kanavel, Economic Development Program Manager, Pinal County, stated that the railroad project has been in the works for eight years. He said the project is a rail classification facility. He explained what a rail classification facility or yard is. He said the cars and sea containers are transported from the Port of Long Beach /LA to El Paso. The cars are then "classified" and the trains are taken apart and other trains are made. Those trains then go to all different directions to their final destination. He said some of the trains go all the way to El Paso, are classified there and then sent right back. He said it is very inefficient in how they are doing it. Union Pacific decided to build a classification yard site approximately 450 miles from the coast, which happens to be Pinal County. The site will be approximately 950 acres. He said the new site will make them more efficient. Union Pacific does not haul people, only product. He said it is a huge job creator and will create jobs in machinery, road maintenance, engine maintenance, etc.

Mr. Kanavel said the location will be within the "golden corridor" which is the northern part of Casa Grande from the west on Interstate 8, where it "ys" together and goes to Marana. He said Pinal County figures this is where the most economic development will occur within the next 25 – 30 years. He explained that the area is being rezoned to allow for commercial. They want the area to be a multi mode facility.

Mr. Kanavel said that the area will have rail, interstate and air very close to it. It would be easy for product to be shipped by air to Casa Grande and shipped from there. He said that this project will also increase the industrial tax base and will allow for a decrease in the residential tax base.

Mr. Kanavel said that 10,000 acres have been designated as industrial by the County's Comprehensive Plan and has the potential to be served by rail for future development.

Mr. Kanavel described the location of the site. He said that there will not be a fueling station for the trains. He said sightseeing is a public concern. He said the proposed Union Pacific Red Rock Classification Yard will not obstruct sightseeing locations for Picacho Peak. He said the classification facility and the proposed industrial park area are outside of the line-of-view between tourist parking and the park. He added that the site will be on already developed land, which is existing farm land. He said a tremendous amount of studies have been done and the source of a lot of the area's pollution comes from the fact that the land was farms. Union Pacific has stated that the environmental issues will be taken care of. He said the project will be environmentally safe and they are using the best practices that are available to ensure safety. He said the site is ready to move forward.

Mr. Kanavel said that Union Pacific wants to present to the State Land that Pinal County and the municipalities within the County are in support of the project. He said they have received support from Marana and the Copper corridor. He said Casa Grande, Apache Junction and Pinal County are in the process of adopting a resolution and other communities are doing the same. He said more information is available on Pinal County's website. He said a joint House and Senate Resolution will be read on the project on Wednesday, February 8, 2012 in favor of the project.

Mayor Kilvinger said that it is a wonderful project and is glad to see it move forward after eight years.

Councilmember Brown inquired if large cranes will be used for the lifting of box cars.

Mr. Kanavel said they will be very large and will require high skilled individuals to run them. He said the project calls for 300 jobs in the area and 1200 support jobs. He said there is also Homeland Security issue that comes along with the project because of the 450 mile mark in. He briefly discussed what an inland port is. He briefly discussed the roadways and interstates within the area and how it affects the United States.

On motion of Councilmember Raasch, seconded by Vice-Mayor Smith and carried to adopt Resolution No. 1330-12.

Resolution No. 1329-12:

Mr. Patel read Resolution No. 1329-12 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE TOWN OF FLORENCE OFFICIAL ZONING MAP.

Mr. Mark Eckhoff, Community Development Director said paper zoning maps have been converted into digital maps. He said the digital maps will be able to be updated as needed. He said the maps will be a live and working document in which each parcel will contain all information for the property by being linked to a data base which contains all the information. He said the map will be converted to a PDF version which will be

accessible on the website. It will also be available in an Atlas format as well as in the GIS system, with the goal being to go as live as possible on the web page. Customers will be able to access this from their home.

On motion of Councilmember Hawkins, seconded by Councilmember Brown and carried to adopt Resolution No. 1329-12.

Ordinance No. 570-12:

Mr. Patel read Ordinance No. 570-12 by title only.

First Reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING CHAPTER 150, SECTION 150.055 *MANUFACTURED HOME SUBDIVISION* AND SECTION 150.174 *ACCESSORY BUILDINGS* CONTAINED WITHIN THE TOWN OF FLORENCE CODE OF ORDINANCES, TITLE XV *LAND USAGE*, (CASE PZC-3-12-ORD).

Mr. Eckhoff said that the proposed text amendment is intended to modify existing development standards within the manufactured home subdivision and accessory building sections of the Florence Town Code. He said the minimum interior setback requirements in the Manufactured home subdivision district to five feet from the five feet minimum setback that includes a requirement for an aggregate side yard setback of thirteen feet. The text amendment also amends the minimum separation between an accessory building to any other building from twelve feet to ten feet in order to increase consistency with adopted building codes. The separation may be decreased to five feet if the structures comply with all applicable building and fire codes. The proposed text amendment amends the minimum distance from an accessory building to any property line from two to five feet, which is a change necessitated by fire and building safety standards.

Mr. Eckhoff said that other provisions regarding minimum setbacks for MHS areas and accessory buildings will remain as stated in the Development Code. These changes will not create any non-conforming development scenarios and should facilitate future development activities, particularly when locating an accessory structure on a lot with an existing principal structure.

Mr. Eckhoff said that these text changes will have no impact on Caliente Casa del Sol, an RV Park zoned property that has a blanket variance in place for reduced setbacks. Furthermore, this does not change the side yard setbacks for Florence Gardens, a platted manufactured home subdivision, as the Community Development Director had already interpreted that the 5'/5' side yard setbacks in place before the Town's 2006 Development Code update should be grandfathered for Florence Gardens. This action will eliminate any contrary interpretations in the future. He said it creates better opportunities for Florence Gardens.

Councilmember Brown said she likes the proposed changes.

Discussion/Approval/Disapproval of a biennial audit to provide statutory compliance for the development of the Infrastructure Improvement Plan and Development Impact Fees.

Ms. Becki Guilin, Finance Director, said that the Council was presented a summary at the January 30, 2012 Work Session on what the consultants provided for the land use assumptions level of service and methodology. She said this is the beginning of the study and sets the ground work for the infrastructure improvement plan and the way the Town is going to assess the development impact fees derived from that plan. She said the last study was done in 2007 and is overdue. Per the new statute, a new consultant needed to be hired to bring the impact fees inline with the new statutory requirements and then to go forward with a qualified professional that can develop a specialized plan.

Ms. Guilin said one of the first steps is for the Town to decide if they want to go with an advisory committee. She said the advisory committee shall be composed of at least five members who are appointed by the Council. At least fifty per cent of the members of the advisory committee must be representatives of the real estate, development or building industries, of which at least one member of the committee must be from the home building industry. Members shall not be employees or officials of the Town.

Ms. Guilin said the advisory committee shall:

- Serve in an advisory capacity
- Shall advise the municipality in adopting land use assumptions and in determining whether the assumptions are in conformance with the general plan of the municipality
- Review the infrastructure improvements plan and file written comments.
- Monitor and evaluate implementation of the infrastructure improvements plan.
- Every year file reports with respect to the progress of the infrastructure improvements plan and the collection and expenditures of development fees and report to the municipality any perceived inequities in implementing the plan or imposing the development fee.
- Advise the municipality of the need to update or revise the land use assumptions, infrastructure improvements plan and development fee.

Ms. Guilin said the municipality shall make available to the advisory committee any professional reports with respect to developing and implementing the infrastructure improvements plan and shall adopt procedural rules for the advisory committee to follow in carrying out the committee's duties.

Ms. Guilin said in lieu of creating an advisory committee, the Council can provide for a biennial certified audit of the municipality's land use assumptions, infrastructure improvements plan and development fees. An audit must be conducted by a qualified professional who is not an employee or official of the municipality and who did not prepare the infrastructure improvements plan or the impact fee.

Ms. Guilin said that, based on the two options, it would be very difficult to organize an advisory committee. The level of expertise and understanding of the

projects, development impact fees laws and the components that are required to provide calculation of the fees would require a significant learning curve. Also taken into consideration should be the commitment to the longevity of service to this committee by individuals. Given the limited number of potential committee members and the amount of time that would be dedicated, staff is advising against this action.

Ms. Guilin said an independent auditor contracted bi-annually would provide a professional expertise and second look at the land use assumptions, levels of service and methodology. The auditor would also be in the related field of impact fee consultant and be able to readily identify any discrepancies, problematic areas or areas they felt were inadequate. . This auditor would have no political influence or commitment to the Town that would affect a professional review and recommendation. They have no affiliation with the Town or the community. Staff feels that this is the best approach and is recommending engaging a biennial audit.

Ms. Guilin said that she is unable to determine the cost of an advisory committee and the advisory committee immediately. The cost of a biennial audit is estimated at \$25,000. The audit does not need to be done until two years after adoption of the IIP, or sometime in 2015 or 2016. Any fees will be paid out of the Development Impact Fees and would not affect the Town's funds.

Councilmember Brown said that it is very complicated and inquired if they can table this item.

Ms. Guilin said that the item can be tabled; however, action needs to be taken because the statute is very specific and if an advisory committee is something the Council chooses to pursue, it needs to be established immediately.

Councilmember Brown inquired if staff has anyone lined up for the committee.

Ms. Guilin said Council would need to establish the committee.

Vice-Mayor Smith inquired if Council will need to advertise for the committee.

Mr. Patel said that it would operate as Board/Commission and the statute is specific on who can be on the committee.

Mayor Kilvinger inquired if two weeks will be acceptable if the item were tabled.

Ms. Guilin said that the item can be tabled; and but reiterated the importance of acting fast should the Council elect to form an advisory committee.

Councilmember Wooldridge stated that she doesn't feel that waiting two weeks will change anything. She said the Town has difficulty in having people commit to the existing boards and commissions. She said with the advisory committee, she isn't sure that there are people in the community with the mandated criteria who would be willing to commit to the advisory committee.

Councilmember Raasch inquired if the advisory committee would be paid.

Ms. Guilin said the committee is voluntary. She said it may be difficult to form the committee because there is a limited amount of people who can serve that may/may not understand the law. It may require extensive training and they must also understand the state law itself.

Councilmember Brown inquired how long it will take to form the committee.

Ms. Guilin said that the Council must form the committee.

Councilmember Woolridge said that it may be best to hire a firm for the audit.

Mr. Patel reiterated the options for the Council and explained each of the options. He said most of the cities have chosen the biennial audit. He also explained what steps the Town has done and when the Council needs to be in compliance.

Discussion occurred on the two options.

On motion of Vice-Mayor Smith, seconded by Councilmember Woolridge, and carried to approve the biennial audit to provide statutory compliance for the development of the Infrastructure Improvement Plan and Development Impact Fees.

CALL TO THE COUNCIL

Mayor Kilvinger welcomed the Boy Scouts of American Troop # 219 that were in attendance. She said that the Boy Scouts will receive a certificate of attendance and will receive their badges. She thanked them for their attendance.

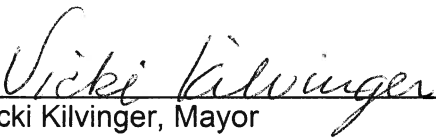
Councilmember Brown said that she has enjoyed campaigning for office. She thanked everyone's encouragement. She said she was glad to see the Boy Scouts attend the meeting.

Councilmember Hawkins reminded everyone to attend the Historical Home Tour.

Councilmember Raasch asked each of the Boy Scouts to introduce themselves to the Council, which they did.

ADJOURNMENT

On motion of Councilmember Brown, seconded by Councilmember Hawkins and carried to adjourn the meeting at 7:21 p.m.


Vicki Kilvinger, Mayor

ATTEST:


Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on February 6, 2012, and that the meeting was duly called to order and that a quorum was present.


Lisa Garcia, Town Clerk